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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,643	07/24/2003	Shinichiro Fujita	116668	9724
25944	7590	11/21/2005		
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320				
			EXAMINER BRADLEY, MATTHEW A	
			ART UNIT 2187	PAPER NUMBER

DATE MAILED: 11/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/625,643	FUJITA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Matthew Bradley	2187	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/12/04, 7/24/03</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

Claims 1-14 remain pending and have been examined.

#### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on August 13, 2002. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on July 12, 2004 was filed after the filing date of July 24, 2003 for application 10/625,643. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the Examiner is considering the information disclosure statement with a signed and initialed copy being attached hereto.

The information disclosure statement (IDS) submitted on July 24, 2003 was filed on the same date as the filing date of the instant application. However, the Examiner notes that the submission fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because Atty. Docket Numbers are used to represent what appears to be pending applications on the information disclosure statement. Additionally, the Examiner notes that no copies of the documents have been submitted in place of a correct information disclosure statement indicating the properly assigned application numbers of the respective Atty. Docket Numbers. Accordingly, this information disclosure statement has been placed in the application file, but the information referred

to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

### ***Drawings***

Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The disclosure is objected to because of the following informalities:

- Page 4 line 27: A closed parenthesis mark appears with no apparent opening parenthesis mark to which it belongs.
- Page 9 line 19: The word "therefor" is present. The Examiner suggests 'therefore' as replacement.

- Page 9 line 22: An "s" appears after the word comprise. Deletion is suggested.
- Page 11 line 16: An s is needed after the word module to maintain plural subject and noun agreement.
- Page 14 line 6: On line 4 an open parenthesis mark appears with no apparent closing parenthesis mark in the subsequent lines.

The lengthy specification has not been checked to the extent necessary to determine the presence of **all** possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 10-12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims as currently written describe and define a program. A program in and of itself is non-statutory. After looking over the disclosure, the Examiner was unable to locate where the program might be found in tangible means. The Examiner further notes however, that a way to overcome this rejection is to re-write the claims such that the program is tangibly embodied on a computer readable medium.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Bartholomew et al. (U.S. 5,978,591) hereinafter referred to as Bartholomew.

As per independent claim 1, Bartholomew teach,

- a rewriter which loads and writes information transferred through a first bus into a rewrite area of a non-volatile memory storing at least one of device information and data transfer control program information; and (Column 7 lines 26-30).
- a rewriter activation section which causes the rewriter to start processing when a second bus is detected to have no connection to any device. (Column 7 lines 36-39).

As per dependent claim 2, Bartholomew teach, wherein the detection of whether or not the second bus is connected to a second device is based on the result of an access to a register of the second device (Column 7 lines 39-44).

As per dependent claim 3, Bartholomew teach, wherein the rewriter writes information into the rewrite area by performing data transfer between the data transfer control device and a first device connected to the first bus in a mode of loading information to the rewrite area (Column 7 lines 44-48).

As per dependent claim 4, Bartholomew teach, wherein data transferred from a first device through the first bus is transferred to a second device through the second bus, and data transferred from the second device through the second bus is transferred to the first device through the first bus, in an ordinary operating mode that differs from a mode of loading information to the rewrite area (Column 7 lines 26-29).

As per dependent claim 5, Bartholomew teach, wherein the device information includes identification information that is specific to an electronic instrument in which the data transfer control device is embedded (Column 6 lines 25-29).

As per dependent claim 6, Bartholomew teach, wherein the non-volatile memory has an area in which is stored information for indicating whether or not the data transfer control program information has been written correctly into the rewrite area (Column 7 lines 44-48). *The Examiner is interpreting the "Code Update" string to be acknowledgement of whether or not the data transfer control program was written correctly. This is further taught and shown in Column 7 lines 49-52.*

As per dependent claim 7, Bartholomew teach, wherein: the non-volatile memory has an area in which is stored rewriter processing setting information for setting whether processing by the rewriter is enabled or disabled; and the rewriter processing setting information is set to enabled in an initial state but is set to disabled at the end of processing by the rewriter. (Column 6 lines 36-39). *The Examiner notes that at the end of the reprogramming stage, execution is passed to the newly installed application code in the memory. The act of passing execution from the reprogramming stage to the*

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*application code, is effectively disabling the reprogrammer and is accordingly disabling the reprogrammer so that execution can then continue.*

As per dependent claim **8**, Bartholomew teach,

- wherein the first bus transfers data conforming to a first interface standard, and (Column 6 lines 18-20).
- the second bus transfers data conforming to a second interface standard. (Column 7 lines 26-29).

*The Examiner notes that the first interface standard is the passing of data from a computer to the personal information device. The second interface standard is the internal passing of the data from the personal information device into the personal information device's memory. Accordingly, the system of Bartholomew has two interface standards for which the data is passed across.*

As per dependent claim **9**, Bartholomew teach,

- the data transfer control device as defined in claim 1; and (Column 6 lines 18-20).
- a second device connected to the second bus. (Column 6 lines 18-20).

As per independent claim **10**, Bartholomew teach,

- a rewriter which loads and writes information transferred through a first bus into a rewrite area of a non-volatile memory storing at least one of device information and data transfer control program information; and (Column 7 lines 26-30).



- a rewriter activation section which causes the rewriter to start processing when a second bus is detected to have no connection to any device.

(Column 7 lines 36-39).

As per dependent claim **11**, Bartholomew teach, wherein the detection of whether or not the second bus is connected to a second device is based on the result of an access to a register of the second device (Column 7 lines 39-44).

As per dependent claim **12**, Bartholomew teach, the non-volatile memory has an area in which is stored rewriter processing setting information for setting whether processing by the rewriter is enabled or disabled; and the rewriter processing setting information is set to enabled in an initial state but is set to disabled at the end of processing by the rewriter (Column 6 lines 36-39). *The Examiner notes that at the end of the reprogramming stage, execution is passed to the newly installed application code in the memory. The act of passing execution from the reprogramming stage to the application code, is effectively disabling the reprogrammer and is accordingly disabling the reprogrammer so that execution can then continue.*

As per independent claim **13**, Bartholomew teach,

- disconnecting the second device from the second bus to start rewriter processing that is activated when the second device is disconnected from the second bus; (Column 7 lines 36-39).
- loading and writing information transferred through a first bus into a rewrite area by the rewriter processing, the rewrite area storing at least one of

device information and data transfer control program information; and  
(Column 6 lines 18-20)

- o connecting the second device to the second bus after the writing of the  
information into the rewrite area (Column 7 lines 30-35).

As per dependent claim **14**, Bartholomew teach, wherein the device information includes identification information that is specific to an electronic instrument in which the data transfer control device is embedded (Column 6 lines 25-29).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

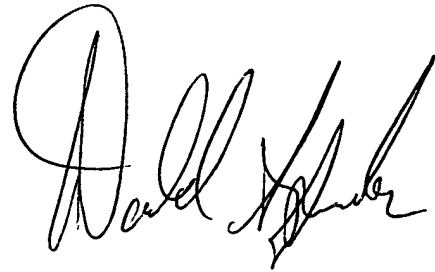
1. U.S. Patent No. 6,202,209 Bartholomew et al. teach a method for  
downloading and updating a memory.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew Bradley whose telephone number is (571) 272-8575. The examiner can normally be reached on 6:30-3:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald A. Sparks can be reached on (571) 272-4201. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DAS/mb

A handwritten signature in black ink, appearing to read "Donald Sparks", with a large, stylized initial "D" and a long, sweeping horizontal stroke at the end.

**DONALD SPARKS**  
**SUPERVISORY PATENT EXAMINER**